

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

SEP 11 2014

MARIO WILLIAMS,

Plaintiff,

vs.

CHAD MILLER, Warden, et al.,

Defendants.

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CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY Tsch, DEPUTY

No. CIV-14-61-W

ORDER

On August 29, 2014, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this matter and recommended that the Motion for a Temporary Restraining Order and Preliminary Injunction, see Doc. 2, filed by plaintiff Mario Williams be denied as moot. Williams, who is proceeding pro se, was advised of his right to object, see Doc. 31 at 3, and the matter now comes before the Court on Williams' Motion to Object. See Doc. 32.

Upon de novo review of the record, the Court concurs with Magistrate Judge Mitchell's suggested disposition of Williams' request for extraordinary equitable relief. In his complaint,¹ Williams alleged inter alia that he had suffered numerous constitutional violations while housed at Cimarron Correctional Facility ("CCF") in Cushing, Oklahoma, see Doc. 1, and in his Motion for Temporary Restraining Order and Preliminary Injunction, he had sought an order compelling CCF officials to provide him with certain medical treatment in connection with his knees and left wrist.

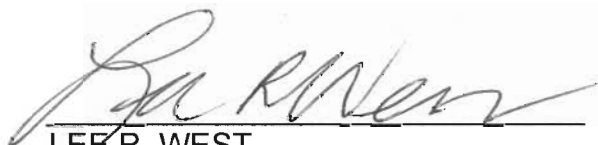
¹Williams has since amended his complaint. See Doc. 11.

Williams is currently incarcerated at Lexington Correctional Center ("LCC") in Lexington, Oklahoma. See Doc. 17. In light of his transfer and because Williams has advised that "LCC has been providing the requested treatment," Doc. 32 at 2, the Court finds the relief² sought by Williams is no longer warranted. See Toevs v. Milyard, 563 Fed. Appx. 640, 645 (10th Cir. 2014)(cited pursuant to Tenth Cir. R. 32.1)(transfer generally moots inmate's claims for remedies of declaratory and injunctive relief); Rodriguez v. Wiley, 2010 WL 1348021 *1 (D. Colo. 2010)(transfer mooted plaintiff's request for injunctive relief since defendants no longer controlled plaintiff's medical treatment).

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 31] filed on August 29, 2014;
- (2) DENIES as MOOT Williams' Motion for a Temporary Restraining Order and Preliminary Injunction [Doc. 2]; and
- (3) RE-REFERS this matter to Magistrate Judge Mitchell for further proceedings.

ENTERED this 11th day of September, 2014.


LEE R. WEST
UNITED STATES DISTRICT JUDGE

²Williams has urged the Court to not adopt the Report and Recommendation "per chance that LCC discontinue the requested medical care before completion of the needed medical treatment recommended by neurologist 'Travis Warford.'" Doc. 32 at 2. The Court's decision to deem the instant motion moot is without prejudice to the refiling of a request for temporary and/or preliminary injunctive relief should circumstances warrant and support such a request.